



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 6037-99
6 January 2000

MR M [REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by Headquarters Marine Corps dated 16 and 30 November 1999, copies of which are attached. They also considered your rebuttal letter dated 30 December 1999 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 16 November 1999. The supporting statements with your letter of 30 December 1999 did not persuade them that you had no opportunity to inquire about matters of concern to you relating to the Marine Corps Reserve. Since they found insufficient grounds to remove your failures by the Fiscal Year 1998 and 1999 Reserve Major Selection Boards, they had no basis to set aside your discharge from the Marine Corps Reserve. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

GC 37-99

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

60311-99

IN REPLY REFER TO:
1000
RAP-22
18 NOV 1989

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FORMER CAPTAIN [REDACTED]
[REDACTED] JSMCR

1. We have reviewed the subject application and do not support a military record modification and reinstatement in the Individual Ready Reserve (IRR).
2. No compelling evidence has been submitted that would substantiate a claim of material error or injustice which would invalidate failures in selection for promotion and a consequent return to active status in the IRR.
3. By admission, former Captain [REDACTED] attended a Transition Assistance Program and was afforded the opportunity to inquire about the Reserve component, affiliation, opportunities, and separation pay receipt obligations. All transition programs, conducted at both Navy and Marine Corps installations, are mandated by Service directives to include information on Service Reserves. Additionally, specific information on the Marine Corps Reserve was available from a myriad of sources at the time of former Captain [REDACTED] separation.
4. Reserve Affairs Division defers to the Promotions Branch (MMPR) of the Personnel Management Division for comment on the promotion selection process.
5. Point of contact at this Division is [REDACTED] at (703) [REDACTED]

[REDACTED]
Deputy, Reserve Affairs Personnel
Plans and Policy Branch,
Reserve Affairs Division
By direction



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

6037-99

IN REPLY REFER TO:
1412/1
MMPR
30 Nov 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF FORMER CAPTAIN [REDACTED]
[REDACTED] USMC

Ref: (a) HQMC (MMER) Routing Sheet of 19Oct99

1. In reply to the reference, ^{being involuntarily separated from active duty due to his two failures of selection} the following information is submitted: After ~~resigning his commission~~ on 11 October 1996, Captain [REDACTED] was eligible and considered for selection by the FY98 and FY99 USMCR Major Selection Boards. Both boards resulted in a failure of selection.

2. The Board for Correction of Naval Records has the authority to remove from the record any officer's failure of selection.

3. Point of contact is [REDACTED] at (703) [REDACTED]
[REDACTED]
[REDACTED]

By direction [REDACTED]